



Serial No.: 09/578,810
Attorney Docket No.: 10970-009

Box DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1722)
Examiner: Robert B. Davis)
Inventor: Maddox et al.)
Serial No: 09/578,810)
Filed: May 24, 2000)
For: SEALING BLADE)

**PETITION TO
WITHDRAW
HOLDING OF
ABANDONMENT**

RECEIVED
JUL 23 2002
TC 1700

Certificate of Mailing
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage addressed to: Box DAC, Assistant Commissioner for Patents, Washington, DC 20231 on JULY 15, 2002
by *Wesley L. Rhodes*

Box DAC
Assistant Commissioner for Patents
Washington, DC 20231

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OFFICE OF PETITIONS

Dear Sir:

This communication is a PETITION TO WITHDRAW HOLDING OF ABANDONMENT based on a failure to receive an office action (pursuant to MPEP 711.03(c)(II)).

In support of this petition, the undersigned submits the following statements for consideration:

1. In a telephone conversation with Examiner Robert B. Davis, it was learned that an Office Action was mailed to the applicant by the Patent Office on September 5, 2001 in connection with the above application.

2. Having received no response to the subject Office Action, a Notice of

Abandonment was subsequently issued by the Patent Office and mailed on May 15, 2002.

3. The Office Action mentioned in paragraph 2 above was never received by Applicant. In making this determination, a search was conducted by the undersigned of the file jacket of the present application. Also docket records of the undersigned's firm's docketing system indicate that the subject Office Action was not received. Attached hereto as Exhibit 1 is a copy of the undersigned's docket records reflecting no entry for an office that would have been received in September 2001 and have a deadline of response in December 2001.

4. In conferring with Examiner Davis, it was further learned that the subject Office Action was mailed to the Troy, Michigan office of Applicant's former attorneys at Harness, Dickey and Pierce.

5. Upon learning of this fact, the undersigned wrote to Mr. Stanley Erjavac, a member of the executive committee of Harness, Dickey and Pierce, requesting that he review the records of that firm and advise if the subject Office Action had been received by that firm and forwarded to the undersigned. A copy of the referenced letter is attached as Exhibit 2. It is noted that the reference number cited in the "Re" line, 2171-000149, of that letter was the present application's attorney docket number when it was being handled by that firm.

6. A verbal response was received from a Ms. Karen Garrett (the last name may be misspelled and mispronounced), an administrative assistant with Mr. Erjavac's firm, indicating that she was calling on Mr. Erjavac's behalf, that she had searched that firm's records and that she had found no record of the subject Office Action

having been received by that firm and/or forwarded to the undersigned. Written confirmation of these facts has been requested, but have not yet been received, nor has there been any indication that such written confirmation will or will not be provided.

7. Those of the above statements made upon the undersigned's personal knowledge are true and those made on information and beliefs are believed to be true.

CONCLUSION

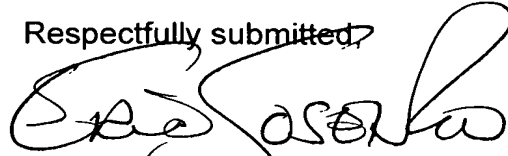
Based on the submitted evidence supporting the conclusion that the subject Office Action has not been received by Applicant, its current attorneys or its former attorneys, it is believed the Notice of Abandonment mailed May 15, 2002 should be withdrawn. It is further submitted that the Patent Office should issue a new Office Action, corresponding to the September 5, 2001 Office Action, in connection with this application.

The petition fee of \$130.00, under 37 CFR 1.17(h) is submitted herewith. If no fee or if an insufficient fee is provided with this Petition, please consider this correspondence as authorization to charge deposit account 23-1925 for the proper amount or any insufficiency. A duplicate copy of this page is attached for this purpose.

Signature of the undersigned is presented on page 4.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric J. Sosenko", written over the phrase "Respectfully submitted,".

Eric J. Sosenko
Reg. No. 34,440
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610

enclosures

Country Applications

12-Jul-02

Client-Matter No:	10970	9	Country:	US	SubCase:	
Reference No:	10970-9	Patent Family:	10970-9	United States of America		
Case Type:	ORD	Application Status:	Pending			
Supervising Atty:	EJS	Responsible Atty:	EJS			
Client:	UNILOY MILACRON, INC.					
Application Number:	09/578,810	Filing Date:	24-May-2000			
Patent Number:		Issue Date:				
Publication Number:		Publication Date:				
Division:		Expiration Date:				
Client Reference No.:		Tax Base Date:				
Pay Maintenance Fee:	Yes	Tax Schedule:	LE	Annuity Date Paid:		
Agent Reference No:		Annuity Receipt Date:				
Agent:						
Resp. Office:	ANN					

Client-Matter No: 10970 - 9 US

All Actions Due	Due Date	Indicator	Action Taken	Response Sent	
IDS	24-Aug-2000	Computer Ge	25-May-2002		
FFL	24-Jan-2001	Computer Ge	02-Feb-2001		
FRN CONV	24-May-2001	Computer Ge	02-Feb-2001		
AMENDMENT	13-Jun-2001	Due Date	12-Jun-2001	12-Jun-2001	
AMENDMENT & 1 EXT.	13-Jul-2001	Due Date	12-Jun-2001	12-Jun-2001	
AMENDMENT & 2 EXT.	13-Aug-2001	Due Date	12-Jun-2001	12-Jun-2001	
AMENDMENT & 3 EXT. FINAL	13-Sep-2001	Final	12-Jun-2001	12-Jun-2001	
RESPONSE FILED - FOLLOW UP	12-Oct-2001	Due Date	25-May-2002	12-Jun-2001	
RESPONSE FILED - FOLLOW UP	12-Nov-2001	Due Date	25-May-2002	12-Jun-2001	
RESPONSE FILED - FOLLOW UP	12-Nov-2001	Due Date	25-May-2002	12-Jun-2001	
RESPONSE FILED - FOLLOW UP	12-Dec-2001	Due Date	25-May-2002	12-Jun-2001	
RESPONSE FILED - FOLLOW UP	12-Jan-2002	Due Date	25-May-2002	12-Jun-2001	
RESPONSE FILED - FOLLOW UP	12-Jan-2002	Due Date	25-May-2002	12-Jun-2001	
PETITION TO REVIVE	15-Jun-2002	Due Date			
PETITION TO REVIVE	15-Jul-2002	Final			
CORRECTED DOCUMENT	15-Sep-2002	Reminder			

Status Report:		Last Docket Check:	
File Given To:		Retrieval Location:	

Remarks:

Additional Information:

1:
2:

Country Applications

12-Jul-02

Annuity Information from CPI

Due Date:

Amount :

Year Due:

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Last Update:

EXHIBIT 2

Eric J. Sosenko, Esq.
Email: esosenko@brinkshofer.com



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A PROFESSIONAL CORPORATION
INTELLECTUAL PROPERTY ATTORNEYS

524 SOUTH MAIN STREET
SUITE 200
ANN ARBOR, MICHIGAN 48104-2921
brinkshofer.com
FAX 734-994-6331
TELEPHONE 734-302-6000

CHICAGO, IL
SAN JOSE, CA
INDIANAPOLIS, IN
ARLINGTON, VA

June 11, 2002

Mr. Stanley Erjavac
Harness, Dickey & Pierce, P.L.C.
5445 Corporate Drive
Troy, MI 48098

Re: 2171-000149

RECEIVED
JUL 23 2002
TC 1700

Dear Stan:

In a recent telephone conversation with the primary Examiner handling the above-referenced patent application, it came to my attention that an Office Action was mailed September 5, 2001 to your offices. In reviewing our file, we could find no record of Harness, Dickey & Pierce having forwarded that Office Action to our attention.

Would you please review your records and advise me as to whether your offices received this Office Action, and if the Office Action was forwarded to our attention.

Sincerely,

Eric J. Sosenko

EJS/tlw